REMARKS

The Examiner states that the Oath or Declaration is defective because the full name of each inventor (family name and at least one given name together with any initial) has not been set forth. The Examiner states that Jose Alguera appears to be the same person as Jose Manuel Alguera Gallego.

It is respectfully submitted that the Oath or Declaration is not defective and complies with 37 CFR § 1.63. The Declaration was submitted based upon the original name presented in the original PCT application and, indeed, contains the family name "Alguera" and at least one given name "Jose" as required by § 1.63. According to typical Spanish convention, Alguera is Jose's father's name and is the true surname that is required, and Gallego is his mother's surname and is, therefore, not required to be listed. Likewise, the use of the middle name is not required according to U.S. law. Should the Examiner wish to discuss the matter further, a telephone call to the undersigned is greatly appreciated.

The specification has been amended in paragraph [0052] to clarify that the closing hook is mounted using the bearing hole 20, as evidenced in FIG. 1.

In order to overcome the claim rejections, antecedent basis has been indicated in claims 14 and 19. The term "preferably" has been removed from claim 16 in order to further clarify the claim. Accordingly, it is respectfully submitted that the claim objections have been overcome.

Claims 1, 2, 3 and 14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wood (U.S. Patent No. 3,000,653) in view of Schneider (German Patent Application No. DE 41 10 893 A1)

It is respectfully submitted that Wood does not disclose a closing mechanism comprising a closing hook provided with a sliding coating. In Wood, Col. 1, lines 59-64, states that a coupling member 10 is attached to the trailer and constitutes the pad to receive what is known in the art as a fifth wheel member. It is respectfully submitted that the circular coupling member is not comparable with the closing hook arranged on the bottom side of the coupling plate.

As defined in claim 1, the closing hook according to the invention is part of the closing mechanism, which is located on the bottom side of a coupling plate. Therefore,

the coupling hook must also be arranged on the bottom side of the coupling plate. Wood does not teach to place the coupling member on the bottom side of the coupling plate. As indicated above, the known coupling member has to be attached to the trailer and not the towing vehicle carrying the fifth wheel.

Moreover, the coupling member of the Wood document is not provided with a coating configured as a sliding coating. The current application distinguishes between the "coating" and the "grease". As described in paragraph [0014] of the application, "The closing hook or closing bar provided with the sliding coating will now be supplied by the grease cartridge and the lubricating line with a definable extremely small amount of grease." In view of the specification, the sliding coating cannot consist of grease. In order to further distinguish the claimed coating from grease, independent claim 1 has been amended to define that the coating is a permanent coating, for example see paragraphs [0027] through [0033]. Accordingly, no new matter has been added.

The Examiner states that Wood does not disclose a grease reservoir connected by a lubricating line to the closing hook, nor that the grease reservoir is a grease cartridge with the grease cartridge arranged on the fifth wheel.

It is respectfully submitted that such additional features are also not obvious to a person of ordinary skill in the art in light of the Schneider reference. Like Wood, Schneider does not disclose the closing hook having a sliding coating. Schneider does not give any information concerning the consistency of the closing hook. Schneider also does not disclose that the grease reservoir is a grease cartridge with a grease cartridge arranged on the fifth wheel because the so-called "grease cartridge" carrying reference number 32 is just a distribution block, which is supplied from the central lubricating system of the tractor, see Schneider, claim 14 and page 2, paragraphs 9 and 10. A distribution block does obviously not comprise a grease reservoir but is supplied from a distant grease reservoir, preferably via a central lubrication system. Such a central lubrication system is disclosed in the application in context with German DE 94 01 718 U1, see paragraphs [0005] and [0006] of the application. Accordingly, the cited document teaches the lubricating of a closing hook occurring from the lubricant reservoir via the supply line through the distribution block. The invention is expressly

directed to a closing mechanism of a fifth wheel independent from such a central lubrication system, see paragraphs [0011] through [0016].

The Schneider reference also fails to teach a lubricating line running from the grease reservoir to the closing hook as specifically claimed and this feature is also lacking in Wood. As the Examiner has stated, the lubricating line according to Schneider runs from the distribution block to a wear ring located above closing hook.

In view of the above, the features of a) the closing hook provided with a sliding coating, b) the grease reservoir connected by a lubricating line to the closing hook, and c) a grease reservoir being a grease cartridge with the grease cartridge arranged on the fifth wheel are neither taught nor suggested either by Wood or Schneider. Even if one of ordinary skill in the art would combine features of both documents, the claimed inventive solution could not be achieved.

Regarding claim 3, the grease cartridge is arranged underneath the coupling plate. Schneider discloses a distribution block underneath the coupling plate, wherein the distribution block is provided with grease from a central lubrication system located somewhere on the tractor. The known document does not mention or show a grease cartridge underneath the coupling plate.

Claims 1, 2, 3, 14-15 and 17-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wood ('653) in view of Schneider ('893) and Heinzel (DE 43 04 857).

Even if a person of ordinary skill in the art is aware of Heinzel, the claimed invention is not obvious because Heinzel is directed to the coating of components such as a closing bar, a closing hook and/or a wear ring. Heinzel fails to disclose a grease reservoir connected by a lubricating line to the closing hook and a grease reservoir formed as a grease cartridge arranged on the fifth wheel.

Accordingly, the recited references cannot render the present invention obvious.

Claims 4-8, 11-12 and 20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Wood and Schneider and further in view of Oloman et al. (U.S. Patent No. 5,968,325). Claims 4, 5 and 7-12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Wood, Schneider and further in view of Riskedal (U.S. Patent No. 6,874,599). Claim 13 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Wood, Schneider and Oloman et al. and further in view of

Schedrat et al. (U.S. Patent No. 5,438,881). Claim 16 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Wood, Schneider and Heinzel and further in view of Sedlatschek et al. (U.S. Patent No. 3,844,729).

It is respectfully submitted that the remaining cited references cannot add any further scope and content that would render independent claim 1 obvious in view of the combination of references.

The Examiner states that claims 1, 2 and 4 are rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1 and 12 of U.S. Patent Application Serial No. 11/884,327.

It is respectfully submitted that the claims of the instant application and the cited application are patentably distinct for at least the following reasons. The current application claims priority to an application filed April 1, 2004 and, therefore, was filed earlier than U.S. Patent Application No. 11/884,327. There are claimed differences between the lubricating systems, wherein independent claim 1 claims the lubrication line running from the grease container to the coupling hook. The current application does not mention any type of distribution block between the grease container and several grease supply lines. The current application does not claim lubricating of the coupling plate. Also to the contrary, U.S. Patent Application No. 11/884,327 is directed to a lubricating system wherein the coupling plate comprises at least one discharge aperture. Therefore, the cited application is directed to lubricating of the coupling plate and there are patentably distinct differences.

Should the Examiner have any questions or concerns regarding this Response, a telephone call to the undersigned is greatly appreciated.

Respectfully submitted,

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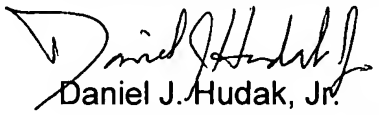

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